

ART. XIX.—*On Criminal Abortion in America.* By HORATIO B. STORER, M. D., of Boston, etc. Philadelphia: J. B. Lippincott & Co., 1860. 8vo. pp. 107.

IN our review of the twelfth volume of the *Transactions of the American Medical Association*, contained in the present number, will be found a notice of the able report made by Dr. Storer and others on the subject of criminal abortion. In this report reference is made to certain evidence that had been collected by the committee, in proof of the leading positions laid down by them as to the criminality of abortion, its frequency, and the causes of its prevalence. The evidence in question was published originally in the *North American Medical-Chirurgical Review*, and is now issued in a separate form for more general circulation.

The investigation into which Dr. Storer, to whom it is to be credited the collection and arrangement of the evidence referred to, has entered, is full, able, and satisfactory, and well worthy the serious consideration not only of every member of the medical profession who has a just appreciation of the important mission he has undertaken, but of every legislator, every expositor and administrator of the laws—of every individual member of the community, in fine, who, while he defends his own individual rights, would extend an equal defence to the rights of others, even the humblest and most insignificant of the human family, from the moment of conception until the period when they are called, by that fiat within whose scope all are included, to leave this for another state of existence.

Dr. Storer has established most conclusively, and upon data the validity and sufficiency of which will scarcely be denied, the extreme criminality of abortion in every case in which it is procured intentionally and for the sole object of destroying the life of the fœtus—without such destruction being necessitated by a due regard for the safety of the mother, or by any other equally imperative cause—and in cases where, had not the product of conception been thus prematurely got rid of, it would doubtless have survived to the termination of the full period of utero-gestation, and been then born alive.

The more difficult questions of the frequency of the crime, and its rapid increase in our midst, are cautiously and skillfully handled. Although the data within our reach, by which the extent to which criminal abortion has been and is now practised, are too imperfect and uncertain to lead to any other than an approximate result, still, a tolerably correct judgment in respect to both these particulars may be formed by a careful examination of the evidence derivable from the comparative increase of population; the published records of still-births; the number of occupations and trials for abortion; the published lists of immediate maternal deaths; the comparative size of families now and formerly; the experience of physicians, either from direct applications for abortion, or the frequent evidence he meets with in his practice of forced abortion having occurred recently or of some previous period, more or less remote; and, finally, from the pecuniary success of known abortionists, and from the very great and constantly increasing demand for abortion-practice nostrums, rendering the traffic in them throughout the country a common and highly profitable occupation. From these various sources a mass of evidence may be deduced sufficient to compel all, who will take the trouble to examine it, to the painful conviction that the practice of criminal abortion is carried on among us to a fearful extent, and that it is every year rapidly on the increase; that, notwithstanding our high pretensions to enlightenment, our wide-extending philanthropy, our vaunted zeal for the cause of "pure and undefiled religion," we are perfectly willing to tolerate—if we do not, in fact, countenance and encourage—in our very midst a crime from which, when perpetrated from the same motives and for the same ends, we should imagine that all save the most debased and ruthless savage would shrink with disgust.

The causes assigned by Dr. S. for this general turpitude are numerous and
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diversified. Among the chief of them he enumerates the low *morale* of the community as regards the enormity of the crime; the ease with which its true character, in individual cases, may be concealed; the unwillingness of its victims to give testimony that would also criminate themselves; the possibility of the crime being perpetrated by the pregnant female on herself, without assistance; the ease with which the law, as it now stands, for the prevention of criminal abortion, may be evaded; the lack of proper and efficient judicial prerogatives, such as legal provisions for registration, against the concealment of births, and against secret interments; the prevalent ignorance of the jurisprudence of obstetric operations in both government officials and medical witnesses; the doctrines of political economists, that the welfare of the labouring classes, and the general prosperity of a community, are impeded by a numerous offspring; and, lastly, the fear of childbirth.

We do not intend to follow Dr. S. in his exposition of the deleterious effects of the practice of abortion upon the health and lives of the females who submit to it; of the evidence by which the occurrence of abortion may be established; the cause of its occurrence, whether natural, accidental, or intentional; and the several circumstances connected with its perpetration, when criminally practised. For a very full and satisfactory examination of all these questions we refer our readers to the essay before us, a careful perusal of every portion of which will be found fruitful in instruction.

Dr. S. refers to the fact that medical men often become the "innocent abettors" of the practice of abortion, by the apparent disregard they exhibit for the sanctity and value of fetal life, by their frequent recourse to the procurement of premature labour as a means of safety to the mother, or, in place of such procedure, substituting the less justifiable measure of the destruction of the fetus by craniotomy. In respect to the induction of premature labour, Dr. S., while he admits that cases do occasionally unquestionably occur in which it may be correctly viewed as the sole means by which, while the greatest chance is afforded for the safety of the fetus, the life of the mother can be preserved. He believes, however, that the operation is seldom required for the sake of the fetus, and in general only after the commencement of the seventh month of pregnancy. To warrant a resort to it in any case, its necessity must be clearly shown. Even then, however, it should be delayed as long as is consistent with the child's safety; and when practised, it must be by such means as, whilst most efficient, are the least liable to injure the child.

The induction of premature labour is most frequently resorted to in order to avoid the performance of craniotomy after labour has set in. The necessity of craniotomy, unless extreme, can, it is evident, only be known with certainty, before the expiration of pregnancy, from the experience of past labours.

"But here," remarks Dr. S., "too much caution cannot be exercised; the rules of the books and of accepted authorities are not to be blindly followed. Craniotomy at the full time is still too frequently performed; where even it has been suggested by the character of a previous labour, children are often, or might be, born living; where it seems indicated by direct exploration, as ruled even by recent writers, children are sometimes, or might be, born living; where it was formerly thought absolutely essential, the progress of obstetric science has now rendered it often unnecessary."

Other points are referred to, in which physicians are directly interested, as tending, by their apparent disregard of fetal life, to render themselves innocent abettors of criminal abortion: such as neglect of efforts to prevent miscarriage when threatened, or when it has become an established habit; neglect of well-directed attempts at resuscitating stillborn children where there is the slightest chance of success; the performance of operations of any kind upon a pregnant woman, even toothdrawing, that might be delayed; the careless or unnecessary use of ergot; the relying upon a single and unaided opinion, where not one life only, but two, may be endangered. "Other instances," Dr. S. remarks, "might be adduced; but enough has already been said to prove that the importance of the subject we are considering, and the responsibilities resting upon the profession regarding it, demand, as I have elsewhere suggested, that physicians should possess, should acknowledge, and should govern themselves by an obstet-

tric code." The necessity of such a code will become the more manifest the more are investigated the several questions pertaining to obstetric jurisprudence.

"Distressing in the retrospect, inconvenient frequently in the present, such a code would undoubtedly prove; but it is demanded of the profession by the progress of our science, by humanity, morality, and religion. Were the facts in the case more generally known, and the existence and sanctity of fetal life more universally appreciated, it would be also demanded by public opinion.

"We have thus seen that the absurd enactments still remaining on the statute-book, the careless indifference with which means are adopted to prevent its occurrence, its increase, and its frequent induction by obstetricians, are all evils which loudly and imperatively call for the closest investigation."

After an examination of the legal provisions in existence, more especially in the United States, in reference to the crime of abortion, the causes of the inefficiency of these provisions for its suppression, are noticed; the difficulties they present to the conviction of the parties concerned in its perpetration, the absurd distinctions they create between the condition of the fetus in the early and the later periods of pregnancy, and the trifling light in which they recognize the practice of abortion. In but few instances is the crime, intrinsically considered, viewed by the law as a heinous one, as an attempt to destroy the life of a child, as deliberate murder; but, under many very loosely defined circumstances, it is held even as a perfectly justifiable act.

The all-important question next presents itself, Can the practice of criminal abortion be entirely, or in any degree, restrained by law? Dr. S. believes that it may be prevented, to a very great extent at least, by judicious and well-executed legal enactments for the registration of births, marriages, and deaths, and against the concealment of births, and secret burials; the establishment, under proper regulations, of foetal hospitals by the different State and municipal governments; the prohibition, under severe penalties, of the sale or dispensing of any drugs popularly known as emmenagogues, excepting upon the prescription of a respectable practitioner of medicine; on entire revision of all the laws bearing upon the subject of criminal abortion, so that the legal definition of the crime may be rendered more clear and positive; the evidence required for the establishment of the guilt of all the parties implicated made to bear directly upon the fact of the act of abortion being intended as well as consummated during any period of pregnancy, and by whatever means, or of its having been attempted in cases of presumed pregnancy, even where pregnancy shall be proved not to have existed; the punishment of the female in whose case criminal abortion has been practised, either as a principal or *particeps criminis*; the fixing of a correct and uniform standard of justification for the practice of necessary abortion; and the making penal the encouragement of criminal abortion by any publication, lecture, advertisement, or announcement, or by the sale or circulation of any such publication.

The essay concludes with some judicious remarks in respect to the duty of the medical profession in the effort to suppress the practice of criminal abortion, in order that no portion of the guilt involved in the practice may rest upon them.

"Enough," says Dr. S., "has already been said to show that there is need of increased vigilance on the part of medical men, lest they themselves become innocent and unintentional abettors of the crime. If the community were made to understand and to feel that marriage, where the parties shrink from its highest responsibilities, is nothing less than legalized prostitution, many would shrink from their present public confession of cowardly, selfish, and sinful lust. If they were taught by the speech and daily practice of their medical attendants that a value attaches to the unborn child, hardly increased by the accident of its birth, they also would be persuaded or compelled to a similar belief in its sanctity, and to a commensurate respect."

"It follows, from the evidence we have adduced, that if it be the duty of the profession to urge upon individuals the truth regarding this crime, it is equally their duty to urge it upon the law, by whose doctrines the people are bound, and upon that people, the community, by whose action the laws are made. And this should be done by us, if we would succeed in suppressing the crime, not by separate action alone, but conjointly, as the profession, grandly representing its

highest claim—the saving of human life. Every step towards this end should be hailed with enthusiasm.” * * *

“Too much zeal cannot be shown by physicians in relieving themselves from the weight of responsibility they may have incurred by innocently causing the increased destruction of human life. Let it not be supposed by the public that there is among us, either in theory or practice, any disregard of the unborn child. If such impression have already obtained, from our own negligence, the falsehoods of irregular practitioners, or otherwise, it should at once be removed.” * * *

“We should, as a profession, openly and with one accord appeal to the community in words of earnest warning, setting forth the deplorable consequences of criminal abortion—the actual and independent existence, from the moment of conception, of foetal life. And that the effort should not be one of words merely; we should, as a profession, recommend to the legislative bodies of the land the revision and subsequent enforcement of all laws, statutory or otherwise, pertaining to this crime, that the present slaughter of the innocents may to some extent, at least, be made to cease. For it is ‘a thing deserving all hate and detestation, that a man in his very original, whilst he is formed, whilst he is nurtured, should be put to death under the very hands and in the shop of nature.’”

D. F. C.

Ann. XX.—*Report on the Smallpox, in the City of Providence, R. I. from January to June, 1859.* By EOWEN M. SNEW, M. D., Superintendent of Health. Providence, 1859.

THE smallpox was introduced into the city of Providence towards the close of the year 1858, by a gentleman who had been on a visit to New York. He was attacked soon after his return with varioloid. He had been vaccinated in childhood, forty-four years previously. The attack was a very mild one, requiring no medical attendance, and as no suspicions were entertained in regard to its character, no precautions were taken to prevent the spreading of the contagion. From this case were traceable, directly or indirectly, the seventy-three cases which occurred in the city during the first five months of the year 1859. Twenty-one of these cases were unmodified smallpox, and fifty-two varioloid; thirty-three were in males and forty in females. In January there were ten cases, three smallpox, seven varioloid; in February six cases, three smallpox, three varioloid; in March twenty-nine cases, nine smallpox, twenty varioloid; in April seventeen cases, four smallpox, thirteen varioloid; in May eleven cases, two smallpox, nine varioloid. In those under five years of age, there were nine cases of smallpox and three of varioloid; between five and ten years, there were four cases of smallpox and five of varioloid; between ten and fifteen years, there were one case of smallpox and eight of varioloid; between fifteen and twenty years, there were one case of smallpox and three of varioloid; and in those of twenty years and over, there were six cases of smallpox and thirty-three of varioloid. Of the whole number of cases forty-six occurred in Americans, and twenty-seven in foreigners; sixty-four in whites and nine in colored persons. Four of the cases only terminated fatally; of these one was three months old, one three years, one four years, and one thirty-five years; one was a male and three females; three were white, one was colored; all were of American parentage. One died on the 8th, one on the 9th, one on the 10th, and one on the 11th day after the appearance of the eruption. Of the whole number of cases of smallpox (twenty-one), eight were confluent and severe. Of these, four, or one-half, died. No case of distinct smallpox or of varioloid proved fatal. Of the four cases of confluent smallpox which recovered, one was an infant only seven weeks old when attacked; one was a boy five years old; one a boy of fifteen years; and one a colored man of thirty years.

Of the fifty-two cases of varioloid, four were very severe, and undistinguishable from confluent smallpox until the 7th or 8th day, when the sudden cessation of fever, and speedy desiccation of the pustules showed that the previous vacci-